IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.2.2002

CORAM:

THE HON'BLE MR.JUSTICE A.S.VENKATACHALAMOORTHY
AND
THE HON'BLE MR.JUSTICE K.GNANAPRAKASAM

H.C.P.No.1500 of 2001

A. Kanniyammal ... Petitioner

vs.

1. The District Magistrate and
District Collector,
Thiruvannamalai District at
Thiruvannamalai.

2. The State of Tamil Nadu,
rep. by the Secretary to Government,
Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.

Prayer: This Habeas Corpus Petition under Article 226 of the Constitution of India, has been filed for issue of a Writ of Habeas Corpus as stated therein.

! For Petitioner : Mr.P. Mani
^ For Respondents : Mr. A. Navaneethakrishnan, A.P.P.

: O R D E R

(ORDER of the Court was made by A.S.VENKATACHALAMOORTHY, J)

The wife of the detenu is the petitioner, who questions the validity of the order of detention dated 18.08.2001 made in proceedings under D.O.No.45/2001-C2 passed by the first respondent.

2. The learned Counsel appearing for the petitioner submitted that the detenu was in Sub Jail, Arni, whereas in paragraph 6 of the Grounds of Detention, it is stated that the detenu is confined in Central Prison, Vellore. In fact in the order of detention, a direction has been issued to send the copy to the detenu through the Superintendent, Central Prison, Vellore.

3.The detaining authority had no material before him to come to the conclusion that the detenu is confined in Central Jail, Vellore. In similar cases, this Court has held that detaining authority passing such orders has to be set aside on the ground of non-application of mind.

4. In the result, the impugned order of detention dated 18.08.2001 made in Proceedings in D.O.No.45/2001/C2 passed by the first respondent is hereby set aside. This Habeas Corpus Petition is allowed. The detenu is ordered to be set at liberty, if he is not required in connection with any other case.

(A.S.V.,J.)
(K.G.P.,J.)

13.02.2002

Index: Yes/No
Sd/.Asst.
Registrar

/true copy/

Sub Asst. Registrar.

To

1. The District Magistrate and District Collector, Thiruvannamalai District, at Thiruvannamalai.

2. The Secretary to the Government of Tamil Nadu,
Prohibition and Excise Department, Fort St. George,
Chennai 600 009.

3. The Superintendent, Central Prison, Vellore.

4. The Public Prosecutor, High Court, Madras.

5. The Joint Secretary to Government, Public (L&O),
Fort St. George, Madras.9.

Sml.

A.S.VENKATACHALAMOORTHY, J.
AND
K.GNANAPRAKASAM, J.

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